

February 21, 2019

To whom it may concern:

The Graduate and Professional Student Association (GAPSA) Sexual Harassment Reform Committee (SHRC) has reviewed the proposed revisions to the Penn Sexual Misconduct Policy and Procedures (hereafter “proposed policy”). We appreciate the opportunity to comment on the document.

1. The procedures for resolving a sexual harassment complaint are unclear. The proposed policy reads (Page 1): *“If a determination is made that the complaint involves a violation of the Sexual Harassment Policy (other than sexual violence or sexual assault), then the AVP will oversee the informal resolution or investigative process(es), coordinating with the Dean of the applicable School as appropriate.”*
 - a. Current policy is that the relevant Dean oversees resolution of sexual harassment complaints, which is a major concern given their role in a student’s education. This is something we hoped a revised policy would address. Given what is stated above, we do not understand the role of the Dean in investigations and resolutions under the proposed policy and thus how the proposed policy differs from the current one. **We ask that the role of the Dean be explicitly stated.**
 - b. It has been suggested informally that the process for resolving a sexual harassment complaint will be the same as that for a sexual violence complaint, but that is not stated in the proposed policy. **If indeed the process for investigating and resolving a sexual harassment complaint will be the same as that for a sexual violence complaint, we ask that be clearly stated.**
2. In several sections the proposed policy states that an “informal resolution” may be reached if agreed to by both parties. **We ask for a more definitive procedure for “informal resolution:” specifically, delineating who will oversee the informal resolution process and what options will be considered to be appropriate solutions.** While we understand that leaving out specifics allows for flexibility in resolving complaints, we think it is important to at least lay out guidelines so that those impacted by a complaint will feel secure about what to expect.
3. The proposed policy does not note that students are permitted to have an advocate with them from the very beginning of the complaint process. **We ask it to be clearly stated that students are allowed and encouraged to have an advocate with them from the start.**
4. Section I.C. of the proposed policy highlights continued education of the Penn community on sexual misconduct policy and procedures. **We ask it to be clearly stated who will oversee the presentation of information and distribution of materials during NSO and throughout the year for each School.**

5. There are many instances throughout the proposed policy where “he or she,” or “his or her,” is used. **All should be replaced with “they” so as to be inclusive to all genders.**
6. In sections IV, V, and VI, it is noted that the complainant or respondent may not share the IO investigative report with “anyone other than their families and advisors.” There are many cases in which a student may receive their main support from someone other than their family, which should be considered. **We ask that the complainant or respondent be allowed to appoint individuals of their choosing with whom the investigative report may be shared.**

In addition, we are very pleased to see that all sexual misconduct complaints will be reported to the Associate Vice President for Equity and Title IX Officer (AVP), which will simplify the reporting process greatly. However, this also means that the AVP will have an enormous amount of power in determining whether an act constitutes a violation of the Sexual Misconduct Policy and in directing the resolution of complaints. It is therefore critical that the student population, including graduate students, feels the person serving as the AVP is someone they can trust and has their best interests in mind. **We request that a graduate student representative be involved in the hiring process.**

Finally, while the proposed policy delineates a potentially effective process on paper, we would like to see data on the efficacy of these policies once they are enacted, particularly to assess the satisfaction of complainants and respondents involved in procedures. While we understand this will be difficult given the importance of confidentiality in these processes, data collection of this type is crucial to ensuring that the Sexual Misconduct Policy and Procedures are best serving the community and reflects best practices already established by peer institutions such as Yale. An example is attached in this email along with this comment.

Thank you for your consideration.

Sincerely,

GAPSA SHRC